GOVERNMENT OF MYSORE,

FOOD, CIVIL SUPPLIES AND LABOUR DEPARTMENT

Labour Dispute.—Industrial Dispute between the Workmen and the Management of Sri Krishnarajendra Mills, Mysore.

Award of the Additional Industrial Tribunal, Bangalore—Published

Read the following papers :—

(1) Letter No. AIT/958/72-73, dated 21st October 1972 from Sri K. N. Patil, Presiding Officer, Additional Industrial Tribunal Bangalore.

BEFORE THE ADDITIONAL INDUSTRIAL TRIBUNAL, BANGALORE.

Dated this 21st day of October, 1972.

Present

Shri K. N. Patil, LL.B. ... Presiding Officer.

Miscellaneous Reference A.I.D. No 1/69

The Secretary, Sri Krishnarajendra Mills Labour Association Kabir Road, Mysore ... ... *I Party.*

Vs.

The Management of Sri Krishnarajendra Mills, Mysore

... ... *II Party.*

Appearances.

For the I Party:—Sri S. R. Sastry, Working Committe Member, INTUC, Clock Tower Square, Mysore.

For the II Party:—Sri T. Rangaswamy Iengar, Advocate, Bangalore.

AWARD

Whereas in the opinion of the Government a doubt has arisen as to whether, retrenched workers of Sri Krishnarajendra Mills, Mysore are entitled to get benefit of gratuity as per the Award in I.D. No. 29/61 on the file of this Tribunal, in addition to the retrenchment compensation as per Section 25 (F) of the Industrial Disputes Act and whereas the Government felt that a clarification was required in regard to that matter, the Government have under Section 36-A of the Industrial Disputes Act, referred the question to this Tribunal under their No. FCL 126 LLD 68, dated 4th January, 1969. The point of clarification as enumerated in the Government order runs as :—

> "Whether retrenched workers of Sri Krishnarajendra Mills, Mysore are also entitled to get the benefit of gratuity as per the award in I.D. 29/61 in addition to the retrenchment compensation as per Section 25 (f) of the Industrial Disputes Act'.

After the receipt of the reference it came to be numbered as Miscellaneous reference No. A.I.D. 1/69. Notices were issued to both parties.

2. The I Party which consists of the workmen of Krishnarajendra Mills, Mysore has filed its statement of claims. It has contended that the retranched workmen are entitled to gratuity in addition to the retrenchment compensation. The II Party has filed its counter and has raised these objections. In Miscellaneous reference No. 1/64. the interpretation of the award passed in I.D. 29/61 had been sought for. In that reference the parties submitted that interpretation need not be given. The reference was therefore, rejected. Hence, the present reference for interpretation will not lie. The award in I.D. No. 29/61 was interpreted by the Labour Court in application numbers 79/67 and 84/67. Against these orders, Writ Petitions have been filed before the Hon'ble High Court in Writ Petition numbers 2825/68 and 2849/68. The Writ Petitions are pending. Hence, the present reference cannot be gone into by this Tribunal. The retrenched workmen cannot claim both gratuity as well as retrenchment compensation. They are entitled to one of them and not to both. The retrenched workmen are not entitled to gratuity as per the award in I.D. 29/61 on the file of this Tribunal. The reference may be answered accordingly.

3. The case was called out before the Tribunal this day. Both the parties have filed a joint memo to the effect that the interpretation of the award in I.D. No. 29/61 on the file of this Tribunal is the subject matter in Writ Petitions numbers 2825/68 and 2349/68 and that the Writ Petitions are pending and both the parties will be bound by the decisions of the Hon'ble High Court in those Writ Petitions. The parties therefore, did not press this reference and prayed that it may be disposed of. In view of the fact that a joint memo is filed by both the parties to the effect that they would not press the interpretation of the award before this Tribunal in as much as it has become the subject matter of Writ Petition numbers 2825/63 and 2349/63 on the file of the Hon'ble High Court and that both parties will be bound by the decision of the Hon'ble High Court in those Writ Petitions, the present reference is disposed of as not pressed. No order as to costs.

K. N. PATIL,
Presiding Officer,
Additional Industrial Tribunal
Bangalore.
21-10-72

ORDER

Bangalore, dated 17th November 1972.

S. O. 380.—WHEREAS by State Government Order No. FCL 156 LLD 68, dated 4th January 1969 the Industrial Dispute between the Workmen and the Management of Sri Krishnarajendra Mills, Mysore was referred to the Additional Industrial Tribunal Bangalore for adjudication ;

AND WHEREAS, the Additional Industrial Tribunal has submitted to the State Government its award in respect of the said Industrial Dispute;

NOW, THEREFORE, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said award as above in the *Mysore Gazette*.

[No. FCL 212 LLA 72.]

By Order and in the name of the Governor of Mysore,

ANIRUDHA DESAI,

1214 *Under Secretary to Government,*

Food, Civil Supplies and Labour Department.